



General Assembly

Amendment

February Session, 2014

LCO No. 5548

SB0043205548SD0

Offered by:

SEN. COLEMAN, 2nd Dist.

SEN. HOLDER-WINFIELD, 10th
Dist.

To: Senate Bill No. **432**

File No. 575

Cal. No. 387

(As Amended by House Amendment Schedule "A")

***"AN ACT PROVIDING NOTICE TO THE CHIEF EXECUTIVE
OFFICER OF A MUNICIPALITY UPON THE RELEASE OF A
REGISTERED SEXUAL OFFENDER INTO SUCH MUNICIPALITY."***

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 21a-267 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2014*):

5 (a) No person shall use or possess with intent to use drug
6 paraphernalia, as defined in subdivision (20) of section 21a-240, to
7 plant, propagate, cultivate, grow, harvest, manufacture, compound,
8 convert, produce, process, prepare, test, analyze, pack, repack, store,
9 contain or conceal, or to ingest, inhale or otherwise introduce into the
10 human body, any controlled substance, as defined in subdivision (9) of
11 section 21a-240, other than a cannabis-type substance in a quantity of

12 less than one-half ounce. Any person who violates any provision of
13 this subsection shall be guilty of a class C misdemeanor.

14 (b) No person shall deliver, possess with intent to deliver or
15 manufacture with intent to deliver drug paraphernalia knowing, or
16 under circumstances where one reasonably should know, that it will
17 be used to plant, propagate, cultivate, grow, harvest, manufacture,
18 compound, convert, produce, process, prepare, test, analyze, pack,
19 repack, store, contain or conceal, or to ingest, inhale or otherwise
20 introduce into the human body, any controlled substance, other than a
21 cannabis-type substance in a quantity of less than one-half ounce. Any
22 person who violates any provision of this subsection shall be guilty of
23 a class A misdemeanor.

24 (c) Any person who violates subsection (a) or (b) of this section (1)
25 with intent to commit such violation in or on [, or within one thousand
26 five hundred feet of,] a specific location, (2) which location the trier of
27 fact determines is the real property comprising a public or private
28 elementary or secondary school or within two hundred feet of the
29 perimeter of the real property comprising a public or private
30 elementary or secondary school, and (3) who is not enrolled as a
31 student in such school, shall be imprisoned for a term of one year
32 which shall not be suspended and shall be in addition and consecutive
33 to any term of imprisonment imposed for violation of subsection (a) or
34 (b) of this section.

35 (d) No person shall (1) use or possess with intent to use drug
36 paraphernalia to plant, propagate, cultivate, grow, harvest,
37 manufacture, compound, convert, produce, process, prepare, test,
38 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or
39 otherwise introduce into the human body, less than one-half ounce of a
40 cannabis-type substance, or (2) deliver, possess with intent to deliver
41 or manufacture with intent to deliver drug paraphernalia knowing, or
42 under circumstances where one reasonably should know, that it will
43 be used to plant, propagate, cultivate, grow, harvest, manufacture,
44 compound, convert, produce, process, prepare, test, analyze, pack,

45 repack, store, contain or conceal, or to ingest, inhale or otherwise
46 introduce into the human body, less than one-half ounce of a cannabis-
47 type substance. Any person who violates any provision of this
48 subsection shall have committed an infraction.

49 (e) The provisions of subsection (a) of this section shall not apply to
50 any person (1) who in good faith, seeks medical assistance for another
51 person who such person reasonably believes is experiencing an
52 overdose from the ingestion, inhalation or injection of intoxicating
53 liquor or any drug or substance, (2) for whom another person, in good
54 faith, seeks medical assistance, reasonably believing such person is
55 experiencing an overdose from the ingestion, inhalation or injection of
56 intoxicating liquor or any drug or substance, or (3) who reasonably
57 believes he or she is experiencing an overdose from the ingestion,
58 inhalation or injection of intoxicating liquor or any drug or substance
59 and, in good faith, seeks medical assistance for himself or herself, if
60 evidence of the use or possession of drug paraphernalia in violation of
61 said subsection was obtained as a result of the seeking of such medical
62 assistance. For the purposes of this subsection, "good faith" does not
63 include seeking medical assistance during the course of the execution
64 of an arrest warrant or search warrant or a lawful search.

65 Sec. 502. Section 21a-278a of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective October 1, 2014*):

67 (a) Any person eighteen years of age or older who violates section
68 21a-277 or 21a-278, and who is not, at the time of such action, a drug-
69 dependent person, by distributing, selling, prescribing, dispensing,
70 offering, giving or administering any controlled substance to another
71 person who is under eighteen years of age and is at least two years
72 younger than such person who is in violation of section 21a-277 or 21a-
73 278, shall be imprisoned for a term of two years, which shall not be
74 suspended and shall be in addition and consecutive to any term of
75 imprisonment imposed for violation of section 21a-277 or 21a-278.

76 (b) Any person who violates section 21a-277 or 21a-278 by

77 manufacturing, distributing, selling, prescribing, dispensing,
78 compounding, transporting with the intent to sell or dispense,
79 possessing with the intent to sell or dispense, offering, giving or
80 administering to another person any controlled substance (1) with
81 intent to commit such violation in or on [, or within one thousand five
82 hundred feet of,] a specific location, and (2) which specific location the
83 trier of fact determines is (A) the real property comprising (i) a public
84 or private elementary or secondary school, (ii) a public housing
85 project, or (iii) a licensed child day care center, as defined in section
86 19a-77, that is identified as a child day care center by a sign posted in a
87 conspicuous place, or (B) within two hundred feet of the perimeter of
88 the real property comprising such public or private elementary or
89 secondary school, public housing project or licensed child day care
90 center, shall be imprisoned for a term of three years, which shall not be
91 suspended and shall be in addition and consecutive to any term of
92 imprisonment imposed for violation of section 21a-277 or 21a-278. To
93 constitute a violation of this subsection, an act of transporting or
94 possessing a controlled substance shall be with intent to sell or
95 dispense in or on, or within [one thousand five] two hundred feet of
96 the perimeter of, the real property comprising a public or private
97 elementary or secondary school, a public housing project or a licensed
98 child day care center, as defined in section 19a-77, that is identified as a
99 child day care center by a sign posted in a conspicuous place. For the
100 purposes of this subsection, "public housing project" means dwelling
101 accommodations operated as a state or federally subsidized
102 multifamily housing project by a housing authority, nonprofit
103 corporation or municipal developer, as defined in section 8-39,
104 pursuant to chapter 128 or by the Connecticut Housing Authority
105 pursuant to chapter 129.

106 (c) Any person who employs, hires, uses, persuades, induces,
107 entices or coerces a person under eighteen years of age to violate
108 section 21a-277 or 21a-278 shall be imprisoned for a term of three
109 years, which shall not be suspended and shall be in addition and
110 consecutive to any term of imprisonment imposed for violation of

111 section 21a-277 or 21a-278.

112 Sec. 503. Section 21a-279 of the 2014 supplement to the general
113 statutes is repealed and the following is substituted in lieu thereof
114 (*Effective October 1, 2014*):

115 (a) Any person who possesses or has under his control any quantity
116 of any narcotic substance, except as authorized in this chapter, for a
117 first offense, may be imprisoned not more than seven years or be fined
118 not more than fifty thousand dollars, or be both fined and imprisoned;
119 and for a second offense, may be imprisoned not more than fifteen
120 years or be fined not more than one hundred thousand dollars, or be
121 both fined and imprisoned; and for any subsequent offense, may be
122 imprisoned not more than twenty-five years or be fined not more than
123 two hundred fifty thousand dollars, or be both fined and imprisoned.

124 (b) Any person who possesses or has under his control any quantity
125 of a hallucinogenic substance other than marijuana or four ounces or
126 more of a cannabis-type substance, except as authorized in this
127 chapter, for a first offense, shall be guilty of a class D felony, and for a
128 subsequent offense shall be guilty of a class C felony.

129 (c) Any person who possesses or has under his control any quantity
130 of any controlled substance other than a narcotic substance, or a
131 hallucinogenic substance other than marijuana or who possesses or has
132 under his control one-half ounce or more but less than four ounces of a
133 cannabis-type substance, except as authorized in this chapter, (1) for a
134 first offense, may be fined not more than one thousand dollars or be
135 imprisoned not more than one year, or be both fined and imprisoned;
136 and (2) for a subsequent offense, shall be guilty of a class D felony.

137 (d) Any person who violates subsection (a), (b) or (c) of this section
138 in or on, or within [one thousand five] two hundred feet of [,] the
139 perimeter of the real property comprising (1) a public or private
140 elementary or secondary school and who is not enrolled as a student in
141 such school, or (2) a licensed child day care center, as defined in
142 section 19a-77, that is identified as a child day care center by a sign

143 posted in a conspicuous place shall be imprisoned for a term of two
144 years, which shall not be suspended and shall be in addition and
145 consecutive to any term of imprisonment imposed for violation of
146 subsection (a), (b) or (c) of this section.

147 (e) As an alternative to the sentences specified in subsections (a) and
148 (b) and specified for a subsequent offense under subsection (c) of this
149 section, the court may sentence the person to the custody of the
150 Commissioner of Correction for an indeterminate term not to exceed
151 three years or the maximum term specified for the offense, whichever
152 is the lesser, and at any time within such indeterminate term and
153 without regard to any other provision of law regarding minimum term
154 of confinement, the Commissioner of Correction may release the
155 convicted person so sentenced subject to such conditions as he may
156 impose including, but not limited to, supervision by suitable authority.
157 At any time during such indeterminate term, the Commissioner of
158 Correction may revoke any such conditional release in his discretion
159 for violation of the conditions imposed and return the convicted
160 person to a correctional institution.

161 (f) To the extent that it is possible, medical treatment rather than
162 criminal sanctions shall be afforded individuals who breathe, inhale,
163 sniff or drink the volatile substances defined in subdivision (49) of
164 section 21a-240.

165 (g) The provisions of subsections (a) to (c), inclusive, of this section
166 shall not apply to any person (1) who in good faith, seeks medical
167 assistance for another person who such person reasonably believes is
168 experiencing an overdose from the ingestion, inhalation or injection of
169 intoxicating liquor or any drug or substance, (2) for whom another
170 person, in good faith, seeks medical assistance, reasonably believing
171 such person is experiencing an overdose from the ingestion, inhalation
172 or injection of intoxicating liquor or any drug or substance, or (3) who
173 reasonably believes he or she is experiencing an overdose from the
174 ingestion, inhalation or injection of intoxicating liquor or any drug or
175 substance and, in good faith, seeks medical assistance for himself or

176 herself, if evidence of the possession or control of a controlled
177 substance in violation of subsection (a), (b) or (c) of this section was
178 obtained as a result of the seeking of such medical assistance. For the
179 purposes of this subsection, "good faith" does not include seeking
180 medical assistance during the course of the execution of an arrest
181 warrant or search warrant or a lawful search."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2014</i>	21a-267
Sec. 502	<i>October 1, 2014</i>	21a-278a
Sec. 503	<i>October 1, 2014</i>	21a-279